

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 98 CR 54
)	
DARWIN MONTANA,)	
)	
Defendant.)	

MEMORANDUM ORDER

As the case caption indicates, criminal defendant Darwin Montana ("Montana") was found guilty and then sentenced by this Court many years ago--but that lapse of time has not deterred him from much later seeking relief based on intervening changes in the law (although this Court does not of course retain copies of all of the thousands of memorandum orders and memorandum opinions and orders that it has issued, in cases assigned to its calendar, since the time of Montana's conviction and sentencing, its notebook binders of such matters that it has kept include copies of a half dozen written rulings issued in Montana's case in a few months preceding and following the Supreme Court's Booker decision holding that the Sentencing Guidelines are advisory rather than mandatory.

Now Montana has tendered a handwritten "Request" in which he seeks relief "because Amendment #9 which says no guideline weapon enhancement should be applied when determining the offense of armed bank robbery." This Court is uncertain as to just what

change Montana is referring to, but it sounds as though he is speaking of a Sentencing Guideline amendment, and of course such amendments are rarely made retroactive, nor do they provide relief to someone such as Montana whose conviction and sentencing occurred so long ago. Accordingly Montana's current "Request" is denied.

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive, flowing style.

Milton I. Shadur
Senior United States District Judge

Date: September 13, 2011